

Municipalities
PUC Docket No. DM 05-172
Responses to Staff's Fourth Set of Data Requests

Request 4-6 Asked of Electrics, Verizon, Municipalities and NHDOT:

Please provide procedures and actual practices for municipalities' or their subcontractors' placement replacement, maintenance and repair of municipal communication equipment in reserved space on the poles.

SUMMARY

In general, municipalities employ a flexible, informal approach to installing or repairing equipment on poles. The municipalities or their subcontractors notify the utilities of the need to place, replace, repair, or maintain municipal communications equipment in reserved space on the poles as needed to address safety and code issues. For the most part, officials in the fire departments who are in charge of maintaining the fire alarm cables or other equipment contact their street level counterparts at the utilities to notify them of the need for this work. A fire or police official generally supervises the work of any municipal subcontractors at the street level. This applies to both original wire deployment and repair, and fiber deployment.

SPECIFIC RESPONSES

EXETER

The Town of Exeter Fire Department installs and maintains fire alarm cables within the dedicated space on approximately 85% of the utility poles within the Town. In addition, the Town uses this dedicated space to locate communication cable on approximately 5 – 10 utility poles.

The Town is unaware of any formal procedure or practice dictating the installation of these cables.

HANOVER

The Hanover Fire Department installs and maintains its hardware and fire alarm cable in the space 40 inches below any power lines and a minimum of 14 feet from the ground. All placement, replacement and maintenance and repair of municipal communication equipment is done according to standards established by the International Municipal Signal Association (IMSA). By the request of National Grid, we will change over our fire alarm cable from an old pole to a new pole set by them. This work is always done by the Town in a timely manner.

KEENE

Repair of the Municipal Fire Alarm equipment attached to poles is provided by the Keene Fire Department's Fire Alarm Bureau on a case by case basis. Repair work is most commonly required due to pole breakage caused by motor vehicular impact; natural phenomenon such as ice loading or falling trees occasionally requires repair work.

The procedure for repairing or replacing equipment is quite simple. For transfers to new poles, PSNH completes their work (due to the fact that their equipment occupies the uppermost area of the pole, they are the first to transfer), the fire department then transfers its lines/hardware, followed by CATV, then telephone.

Notification of the need for repair most likely begins with an emergency call to the Fire Department dispatch as pole damage is usually the end result of some type of accident.

NEWMARKET

The Cable Replacement Project did not impact any other attachments and was completed within existing dedicated space. The subcontractor was only permitted to work within the existing space of the fire alarm. Police safety details were provided by the Town. The Town worked with the Railroad related to height requirements for deployment of fiber at crossings. See Exhibit Newmarket 4-6.

PORTSMOUTH

The Fire Department is granted a 12" space on each pole and a duct in the underground facility. Transfers, maintenance and repair of fire alarm cables are done by the Fire Department.

RAYMOND

The Town of Raymond does not have specific procedures related to this topic.

SEABROOK

The system is maintained by the Seabrook Fire Department. Any additions to the system are done by the department. The system is a dedicated hard wired system that has been in existence since the 1950s. Most industrial and commercial structures within the Town are connected via gamewell fire alarm boxes.

STRATHAM

Not applicable. There are none.

RESPONSES PROVIDED BY

Exeter

Keith Noyes, Public Works Director
Brian Comeau, Fire Chief

Hanover

Roger Bradley, Fire Chief
Michael Gilbert, Fire Captain

Keene

John M. Beckta, Captain/Fire Alarm Bureau

Newmarket

Clay Mitchell, Town Planner

Portsmouth

Frank Ott, Fire Alarm Superintendent

Raymond

Dennis G. McCarthy, Public Works Director

Seabrook

Jeff Brown, Fire Department

Stratham

Paul R. Deschaine, Town Administrator



BOSTON & MAINE CORPORATION
MAINE CENTRAL RAILROAD COMPANY
SPRINGFIELD TERMINAL RAILWAY COMPANY

IRON HORSE PARK
NO. BILLERICA, MASS. 01862

Exhibit Newmarket 4-6

January 6, 2005

FAX: 603-659-3351

Doug Poulin
IT Coordinator
Town of Newmarket
Finance/Information Technology
Town Hall
186 Main Street
Newmarket, NH 03857

Dear Sir:

**RE: Newmarket, NH
Fire Alarm Cable Upgrade
Exeter Road (Route 108)**

We have reviewed your January 5, 2006 letter and find that the proposed height of 29'-1" above top of rail meets our engineering requirements.

Please contact Vern MacPhee at 978-663-1144 to schedule inspection and flagging services.

Sincerely,

George S. Thayer
Chief Design Engineer

*Tues 1/31
10 AM
Need Police
(Time optional)*

Municipalities
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Request 4-16 Asked of Municipalities:

Are you aware of any unlicensed utility poles in your jurisdictions? If so, please provide an approximate number by town to the extent you are able.

SUMMARY

In general, municipalities are hampered in their response to the question regarding unlicensed utility poles because they do not have lists of the utility poles located in their jurisdictions, which can sometimes result when the roadway(s) in a new housing development is (are) transferred to a municipality but the Board of Selectmen or City Council has had no input on pole location or received details of new poles serving the development. If they had lists of the poles within their jurisdictions with locations, they might be able to identify any facilities for which licenses have not been granted. An inventory of utility poles would be helpful to provide to the municipalities for purposes of managing and maintaining the rights of way, for safety and for other municipal purposes.

SPECIFIC RESPONSES

EXETER

The Utility Companies do not provide an inventory of poles located within the Town so it is impossible to determine whether or not poles are licensed. If the Utility Companies provide the Town with an inventory of the existing poles, the Town can compare that inventory with the poles licenses the Town maintains to determine the number of unlicensed poles.

HANOVER

We have recently inventoried all the poles in Town rights-of-way for comparison with pole license records. The Town was forced to do so because Verizon refused to provide the Town with pole maps against which we could match existing licenses. The task was daunting as there are close to 2,800 inventoried poles and the existing licenses date back to the 1800's. The Town has yet to match licenses to specific poles, although we have occasionally encountered unlicensed poles in the process of requesting pole relocations. At this point we would guess there are dozens of unlicensed poles, but until we complete a matching process, we cannot know for sure.

KEENE

It is unknown whether there are unlicensed utility poles in the City. The Public Works Department does not have access to Verizon, PSNH or any other user inventory of facilities within the borders of the City, so there is no way to verify what poles/facilities are out there to compare against the licenses issued. There is also a challenge with the licensing information because it is not in a format that can be used to compare existing facilities to what is present.

NEWMARKET

The Town of Newmarket has not undertaken any research to determine whether there are unlicensed poles in our jurisdiction and we cannot adequately respond.

PORTSMOUTH

The City does not have a good method for tracking pole licenses. Pole licenses are organized by street by the City Clerk's office, but there is no method by which to readily link the license to a particular pole on a certain street. The City assumes there are some poles that lack licenses. When Verizon hung its new fiber (and boxes) for its FiOS service, the City attempted to locate the pole licenses for the various poles affected. (The City objected with Verizon's initial determination to hand the boxes at street level as opposed to above.) Some of the pole licenses were located but many could not be located – either because of indexing or because the City did not have a license. If the utilities had electronic mapping data of their pole locations that could be integrated with the City's GIS system, the sharing of such information would facilitate the City's tracking of poles. The license for each pole could then be linked to a particular pole/location on the GIS system.

SEABROOK

Based on GIS imaging created by Earth Tech in 2001 or 2002, there were 2,665 poles located in the Town. More have been added since that time. Based on our current listing of roads in the Town, there are 280,000 feet of road. Based on a 2005 listing of all licenses in the Town Clerk's office, we had 527 pole licenses issued, most of which are multiple pole licenses. It is the Town's understanding that poles that have been placed in new subdivisions have never been licensed once the road/roads were transferred to the Town. The Town cannot at this time confirm the number of unlicensed poles; however, the Town believes that at least 25% of the poles are not licensed.

RESPONSES PROVIDED BY

Exeter

Keith Noyes, Public Works Director
Brian Comeau, Fire Chief

Hanover

Peter Kulbacki, Director of Public Works

Keene

Tom Dutton, City Engineer
Kürt Blomquist, Public Works Director

Newmarket

Clay Mitchell, Town Planner

Portsmouth

Steve Parkinson, Director of Public Works

Seabrook

Scott Bartlett, Town Assessor

Municipalities
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Request 4-17 Asked of Municipalities:

Do you perceive unlicensed poles as a problem in your jurisdictions? If so, please explain why.

SUMMARY

Most of the municipalities do not have information on particular unlicensed poles; however, safety issues and management of the right of way are areas in which unlicensed poles would pose a problem.

SPECIFIC RESPONSES

EXETER

It is important for the Town to be aware of all utility pole locations and their identification numbers for a variety of reasons. The licensing of poles provides their location as well as the identification numbers as a reference when consulting with the Utility Companies on specific pole issues. It is critical for the Town to know pole location when planning and designing road, sidewalk and underground utility projects.

HANOVER

We routinely encounter poles in our jurisdiction which are unlicensed. At this point in time, Verizon is also in the habit of installing poles prior to applying for licenses. Unlicensed poles have posed the following problems for the Town of Hanover:

1. Often unlicensed poles are placed too close to the edge of asphalt, posing a problem for municipal snow plow operations. On occasions when a utility pole has been damaged by a wing plow, Verizon or National Grid have attempted to blame the Town for the damage caused by the pole placement and have demanded repayment for necessary repairs. The Town routinely declines such requests.
2. Placement of unlicensed poles immediately adjacent to paved roadways results in difficulty when the road needs to be widened or a sidewalk installed. It is not unusual for the Town of Hanover to wait many months or longer (two years for recent pole removals on College Street) for a utility to relocate a pole to allow road widening or sidewalk installation, and often results in the need to literally install a sidewalk "around" a pole due to the unresponsiveness of the utility. Most recently, Hanover's Howe Library waited over 18 months for a key utility pole to be relocated in conjunction with a long planned renovation and expansion of that Library, requiring a delay in the installation of a section of new sidewalk and the need to install warning signage. Hundreds of library patrons complained, and all we could indicate was that the Town had requested the pole relocation 18 months earlier.

3. Unlicensed poles have typically been placed too close to major drainage courses (between the outside edge of the paved area and the inside edge of drainage ditches), resulting in undermining the structural integrity of the pole as a result of inundating rain storms or heavy spring run-off, which have resulted in overwhelmed drainage systems. As a result of this pole placement poles have toppled, necessitating costly repairs by Verizon and/or National Grid and significant service disruption for impacted customers.
4. Unlicensed poles are often installed immediately adjacent to other poles, resulting in a proliferation of poles and related equipment. Had the Town been consulted, we would have required a revised configuration on one pole rather than the installation of a seemingly redundant, second pole. This is particularly the case in urban Hanover, which suffers from several locations where a large conglomeration of poles results in an unsightly mess.
5. Unlicensed poles have created sight line problems for drivers, particularly at key intersections and largely related to a pole location too close to the edge of pavement.
6. The Town has had to repair damaged water, sewer and drain lines due to unlicensed and replacement poles. In addition, buried Town utilities have had to be relocated at the Town's expense to avoid conflicts with utility poles.

KEENE

It does not present an immediate problem. If a pole/facility is not licensed, therefore installed without City authorization, the owner of the pole/facility is at risk for liability. It does become an issue as the ROW becomes more congested and can impact decisions regarding whether an entity can install a *properly licensed* pole/facility.

NEWMARKET

See our response to Data Request 4-16.

PORTSMOUTH

See our responses to Data Request 4-16.

SEABROOK

We have been unable to allocate the necessary time to thoroughly review the existing licenses and match licenses with known poles on our GIS database. The Town had requested a listing of poles and map from Verizon a few years ago, and was denied. From an assessing point of view, unlicensed poles is not a major issue as miles of road and the total number of poles is more pertinent to the valuation of the public right-of-way.

RESPONSES PROVIDED BY

Exeter

Keith Noyes, Public Works Director
Brian Comeau, Fire Chief

Hanover

Julia Griffin, Town Manager
Peter Kulbacki, Public Works Director

Keene

Kürt Blomquist, Public Works Director

Newmarket

Clay Mitchell, Town Planner

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Seabrook

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Municipalities
PUC Docket No. DM 05-172
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Request 4-20 Asked of Municipalities:

Do you follow the New Hampshire Department of Transportation's *Utility Relocation Process – Scheduling Guidelines* (see Attachment NHDOT Utility Relocation Process (Scheduling Guidelines) to Verizon NH's response to Staff 1-37) on the administration of public works projects when undertaking a public works project in your municipality? If not, why not? Please provide a copy of the administrative guidelines that you follow.

SUMMARY

Only two municipalities replied that they follow the NH DOT *Utility Relocation Process – Scheduling Guidelines* on at least some projects.

SPECIFIC RESPONSES

EXETER

The Town of Exeter has been unaware of the NH DOT "Utility Relocation Process – Scheduling Guidelines" and has not been advised that the Town is required and/or should be using said process.

HANOVER

Yes, the Town does follow the DOT "Utility Relocation Process – Scheduling Guidelines." In spite of utilizing these guidelines, we continue to wait many, many months for pole relocations requested as part of critical Town infrastructure projects.

KEENE

The City does not follow any NHDOT Utility Relocation Process. We were unaware that this particular guideline existed. The NHDOT process is set up to handle a larger organization that has many different sections working on a project. City Staff works directly with local (if available) representatives of the utility company. The City's process is not documented.

NEWMARKET

The Town of Newmarket does not follow these guidelines on Town projects on Town roads. We do follow all required procedures for state projects on state roads.

Please see response to Request 4-6 and associated attachment for our process.

The Town of Newmarket does not relocate poles as part of its own projects.

In fact, the delay in relocation of telecommunications lines on one municipal project has resulted in the location of poles on a municipal sidewalk, in violation of the ADA Accessibility guidelines. The

pictures attached hereto as Exhibit Newmarket 4-20 show the relocated PSNH facilities and the remaining Verizon facilities. This project was initiated over two years ago and no change has taken place. Due to limitations on municipal budgeting we were forced to complete the project as is to remain in compliance with state law on expenditures – thus the remaining poles are now located in the middle of the sidewalk.

PORTSMOUTH

The Department of Public Works was not previously familiar with the document entitled NH DOT's Utility Relocation Process – Scheduling Guidelines. The consulting engineers and contractors for the various projects may be familiar with the guidelines. In practice, as described below, the City and its consulting engineers and contractors confer with the utilities and keep them apprised throughout a project's design and construction.

Design Phase – The City's consulting engineers routinely contact affected utilities during the early design phase for any project which impacts utilities. That contact continues throughout the design phase as may be necessary. The City has, by and large, found that at the design phase there is usually good cooperation with the utility companies. The utilities generally request compensation for engineering costs if the project is of any significant scale.

Construction Phase – The City of Portsmouth Department of Public Works invites utility representatives to a meeting each spring to identify and review municipal projects scheduled for that year. Invitees include PSNH, Verizon, Northern Utilities, Comcast and the municipal water and sewer division. Utility representatives are provided with a project list and map. Until this year, Verizon representatives did not frequently attend the annual meeting or construction meetings on major projects (there has been a change in personnel at Verizon recently). The City understands that PSNH has the principal pole setting responsibility for the City of Portsmouth, but it would seem to be a worthwhile exercise on Verizon's part to attend the annual meeting to facilitate the scheduling of its work. In addition, municipal contractors are required to coordinate with the utilities as the construction job proceeds. By and large, both the City of Portsmouth's Department of Public Works and the City's contractors report that PSNH is responsive and effective.

The principal problem area relates to Verizon's lateness in moving its equipment after a new pole is set. The City rarely has an issue with PSNH. New poles are set, PSNH transfers its facilities, and then the work languishes because Verizon fails to move its facilities in a timely manner; this delay can create a critical situation within the City when a double pole exists and the old pole is still in place and causing delays or a hazard. On at least one occasion, the City's Legal Department had to become involved to resolve issues related to Verizon's late action. That project concerned the City's improvements to Ocean Road in the spring of 2005. Verizon's late response was beginning to cause construction delays which, had they not been resolved, would have resulted in the City incurring additional costs. The City's Legal Department contacted Erle Pierce, Director of Government Public Affairs for Verizon, to address the delay. After that contact, Verizon sent a crew to transfer some of its facilities to the new poles. For those poles that needed to be addressed immediately, Verizon did relocate its facilities and construction delays were avoided. However, double poles for non-critical work areas remain on Ocean Road over a year later as Verizon has not yet relocated its facilities from these non-critical double poles. See also the next paragraph.

Double Poles – In a non-emergency situation when construction is not delayed due to late removal of Verizon facilities, there are often issues of "double poles". This occurs when there is no imminent need to have the old pole removed to complete construction, but it should come down within a reasonable time once the new pole is set. PSNH has routinely signaled that it is prepared to pull the old pole as soon as Verizon relocates its facilities to the new pole. Frequently these double poles sit because

of Verizon's inaction until such time as there is such a critical number of double poles, when the situation is brought to the attention of the City Council and action is taken. For example, in early 2004, the City's Legal Department contacted Erle Pierce, Director of Government Public Affairs for Verizon, to address the issue of double poles. After that contact, Verizon (working in coordination with PSNH) proposed a schedule, acceptable to the City, for transfer of the Verizon facilities and the removal of the double poles. The issue of double poles is again beginning to surface in the City as the number is once more beginning to escalate.

Ideally, neither the Legal Department nor Verizon's Government Relations representative should have to get involved in the routine relocation and removal of poles.

RAYMOND

Raymond does not follow the NH DOT guidelines, nor does it have specific guidelines related to this process.

SALEM

No. Our projects typically are not as complicated as NH DOT and most of our projects do not require relocation of existing utilities. The Engineering Department has no written guidelines. We contact the utility company when needed.

SEABROOK

No.

STRATHAM

We do not. Our process is not as formal as the NH DOT Guidelines. The Project/Construction Manager for each utility is contacted as early as practical for preconstruction meetings to determine the extent of relocation/reconstruction. Sometimes it is the pole owner's Project/Construction Manager who coordinates with the other attached utilities. It is dependent on how complicated the infrastructure is. Dig Safe is called to verify utility locations. Project Managers work with civil engineers to design a utility relocation/reconstruction that works and supports any new development. If it is all new construction, then the developer is charged. If it is a town reconstruction project, the utility has done the work and not charged under the pole licenses.

RESPONSES PROVIDED BY

Exeter

Keith Noyes, Public Works Director
Brian Comeau, Fire Chief

Hanover

Julia Griffin, Town Manager

Keene

Kürt Blomquist, Public Works Director

Newmarket

Clay Mitchell, Town Planner

Portsmouth

Steve Parkinson, Director of Public Works

Raymond

Dennis G. McCarthy, Public Works Director

Salem

Robert E. Puff, Jr., Director of Engineering

Seabrook

Scott Bartlett, Town Assessor

Stratham

Paul R. Deschaine, Town Administrator

EXHIBIT NEWMARKET 4-20









Municipalities
PUC Docket No. DM 05-172
Responses to Staff's Fourth Set of Data Requests

Request 4-21 Asked of Electrics, Verizon, Municipalities and NHDOT:

What do you recommend to improve municipal road project coordination?

SUMMARY

The responses of municipalities vary from having no recommendations, to expressing the need for current contact information for key utility staff members, through a process such as the one followed by Unitil (See UES's response to Staff Data Request 2-8), to recommending that one utility be in charge of all the poles and conduits and that the other utilities be financially accountable to the lead utility and pole owner, preferably one of the electric companies.

SPECIFIC RESPONSES

EXETER

The Town of Exeter has no recommendations to improve municipal road project coordination with the exception of Utility Companies improving and streamlining communications between the Utility Companies that occupy space on the poles for the installation and maintenance of their cables.

HANOVER

1. Utilities must be staffed and sufficiently funded for their pole maintenance and relocation function in order to comply with the requirements under RSA governing requests for relocation of poles in the right-of-way. By law (RSA 231:177), a utility is required to remove a pole or line upon 10 days written notice. Within 10 days of receipt of written notice, all poles and lines should be moved to a revised location subject to the appropriate licensing procedure.
2. Utilities, particularly Verizon, should clearly identify those members of their staff and provide contact information to enable a municipality to inform the proper individuals responsible for pole and line relocation scheduling. By failing to provide municipalities with this accurate and up-to-date contact information, they have attempted to skirt the legal requirements by making it virtually impossible for municipal staff to provide sufficient notice.
3. At the commencement of each construction season, representatives of Verizon and National Grid authorized to implement pole and wire relocation should be required to attend a pre-construction conference to review all upcoming municipal work in each community.
4. Require DIGSAFE for replacement poles.
5. Require that up-to-date, to-scale maps indicating the locations of all utility poles and buried utilities be provided to municipalities and that maps be updated and redistributed to municipalities at least annually.

6. Implement effective Public Utility Commission enforcement for non-compliance with pole licensing and maintenance requirements.

KEENE

Coordination has become more difficult as the utility companies reduce staff and consolidate functions to areas outside of Cheshire County. This has created a problem because decisions that were once made locally are now made somewhere else. This has caused an increase in the time taken by utility companies to respond and make decisions. This can be traced to two major factors. People are now involved that are not familiar with the area and there is an increased work load on utility employees.

To assist the City with coordination it would be helpful to have the utility companies tell us about their planning and work process. It would be helpful to tie City work into what the utility companies are doing. Having an individual or section that City projects can be sent to for discussions and decisions would be prudent, as well as having a formal process that includes several meetings per year between the utility companies and the City to coordinate schedules and activities.

NEWMARKET

One point of contact, with full authority to make decisions, for all utility pole location and relocation matters and pole and wire relocation issues.

PORTSMOUTH

More timely action on the part of Verizon to remove its facilities. It is expensive to mobilize construction crews and schedules are often tight. The taxpayers of the State of New Hampshire should not have to pay for Verizon's lack of responsiveness.

Adequate and timely remedies in the event that Verizon fails to meet its obligations.

Removal of obsolete equipment when new equipment is placed on a pole so that future transfers to new poles can be performed more efficiently and timely.

Verizon's attendance at the City's annual spring meeting so that Verizon can more adequately schedule its workload.

Verizon should dedicate greater resources on the construction side.

Verizon should increase its communication between the engineering side and the construction side. It is the City's perception that while Verizon engineers may know that a project is being brought to final design and is scheduled to commence, the construction side is lacking in information until it receives notice from PSNH that the new pole has been set. If Verizon had construction resources to wait out that notice from PSNH the system might work; as it is, the City often experiences push back from Verizon that the project came as a surprise.

SALEM

Require all utilities to send out current contact information (names, telephone number) at a minimum of once each year, or when a change in personnel has occurred.

STRATHAM

Place one utility in charge of all poles and conduit and hold the other utilities financially accountable to the lead utility pole/conduit owner (preferably the local electric utility).

RESPONSES PROVIDED BY

Exeter

Keith Noyes, Public Works Director
Brian Comeau, Fire Chief

Hanover

Julia Griffin, Town Manager
Peter Kulbacki, Public Works Director

Keene

Kürt Blomquist, Public Works Director

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Municipalities
PUC Docket No. DM 05-172
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Request 4-24 Asked of Electric Verizon, Municipalities and NHDOT:

In the event that a public works project, either municipal or state, calls for utilities to temporarily relocate their facilities before moving them to their final location at a later date in the project, should the utilities be compensated for the temporary relocation work? If your answer is no, please explain why and provide the basis for your rationale, including a citation to any rule, tariff, ordinance or statute that supports your assertion.

SUMMARY

The municipalities generally agree that the utilities should not be compensated for temporary relocation work due to public works projects. RSA Chapter 231 provides a process, including notice and a hearing, for temporary removal of the poles for any lawful purpose and relocation at the utility's expense for any public health, safety or convenience need. Additionally, pole owners include the cost of relocating poles and equipment due to public works projects in the pole attachment rates they charge others to attach to their poles and cannot charge them a separate fee for that, pursuant to FCC implementation of the Federal Pole Attachments Act (47 U.S.C. § 224).

SPECIFIC RESPONSES

EXETER

The Town of Exeter does not believe that Utility Companies should be compensated by the municipality for the temporary relocation of their facilities or cables for municipal construction projects. The citizens of the Town of Exeter allow Utility Companies to install their cables and facilities on Town property and Right-of-Ways in accordance with State regulations. Often the space to install these cables and facilities is limited and is used for the purpose of locating sidewalks and other Town facilities. The Town does its best to locate sidewalks and other facilities without requiring the relocation of utilities but occasionally must require the utility facilities to be moved. It seems that it would be unfair for the taxpayers to pay for relocating utility facilities located on taxpayers' land when, if the utility facilities weren't there in the first place, there would be no subsequent cost to the taxpayer.

HANOVER

Citing RSA 231:182, a town can order the temporary displacement, removal or severing of any wire, pole or structure whenever it becomes necessary "for any lawful purpose." The person desiring the temporary removal must first request that the utility perform the removal. If the utility does not comply within 24 hours, the person may petition the Board of Selectmen for an order. The Selectmen are required to hold a hearing within six days, giving the utility at least three days notice. The Selectmen must then decide whether to issue an order, the length of time within which it must be complied with, and whether the costs of the temporary removal will be paid by the utility or by the petitioner. To the extent that relocation becomes necessary for public health, safety or convenience, utilities are required to relocate their facilities at their own expense. For a detailed outline, see "A Hard Road to Travel", 2004 Edition, prepared by the Local Government Center, Chapter 13, pages 194-196.

KEENE

We try to work with utilities to make the process as painless as possible, but we have no say in any redundancy in their system or in how they configure their grid. If the work is done so that there are always alternate feeds, then only local service will require a temporary relocation.

Utility companies take great pains to place their poles/facilities within the right-of-way and avoid having to deal with private property owners. If they have to deal with private property owners they would have to expend more than the \$10 charged for the right to install their pole/facility within the ROW. Utility poles/facilities are allowed to be placed in the right-of-way at the discretion of the municipality (RSA 231:160 “may be erected”). The municipality receives no financial support for services rendered to the utility companies that are allowed to use the right-of-way or for the maintenance of access to the poles/utilities.

There should be no cost to the municipality for any relocation. Poles/facilities are there at the convenience and discretion of the City. If the City is performing a road, bridge, utility or other project it is the result of public safety, health or convenience that the work must be done. All pole/facility locations are temporary. The utility companies do not have a permanent right to have their pole/facility in a particular location (RSA 231:174). A license is allowing the pole/facility to be there at the public discretion. RSA 231:177 gives the authority to have the pole/facility relocated.

NEWMARKET

The utility poles are in the rights-of-way as part of licenses subject to municipal needs with respect to public works project, as such the cost of relocation should be borne by the owner of the facilities.

PORTSMOUTH

No. This issue came up recently for the City of Portsmouth related to the reconstruction of a sea wall. This is a legal question.

SALEM

The Town of Salem should not be required to compensate a utility company for requiring the utility to temporarily relocate its facilities, as set forth in RSA 231:182. The utility companies should bear this burden as part of their use of the Town right-of-way.

STRATHAM

No, it is their responsibility in return for the benefit of free use of the right-of-way.

RESPONSES PROVIDED BY

Exeter

Keith Noyes, Public Works Director
Brian Comeau, Fire Chief

Hanover

Julia Griffin, Town Manager
Peter Kulbacki, Public Works Director

Keene

Tom Dutton, City Engineer
Kürt Blomquist, Public Works Director

Newmarket

Clay Mitchell

Portsmouth

Suzanne Woodland, Assistant City Attorney

Salem

Robert E. Puff, Jr., Director of Engineering

Stratham

Paul R. Deschaine, Town Administrator